

MEMORANDUM

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| To: | Cliff Jones City of Carlsbad | Date: | December 28, 2020 |
| From: | Roman Lopez, PTP LLG, Engineers | LLG Ref: | 3-16-2672 |
| Subject: | West Oaks Draft MND – Responses to non-environmental comments | | |

Linscott, Law & Greenspan, Engineers (LLG) has prepared this memo to present responses to comments received during the environmental review process pertaining to the Local Mobility Analysis (LMA) prepared for the West Oaks project. This memo presents the context of the comments received pertaining to the LMA followed by responses.

Introduction

Senate Bill (SB) 743, (2013), changed the way that transportation impacts are analyzed under the California Environmental Quality Act (CEQA). Specifically, SB 743 required the Governor's Office of Planning and Research (OPR) to amend the CEQA Guidelines to provide for the elimination of auto delay, Level of Service (LOS), and similar measurements of vehicular roadway capacity and traffic congestion as the basis for determining significant transportation impacts. (Guidelines § 15064.3.) Starting July 1, 2020, automobile delay and level of service (LOS) may no longer be used as the performance measure to determine the transportation impacts of land development projects under CEQA. Instead, the use of a Vehicle Miles Traveled (VMT) metric has been recommended by OPR. These recent revisions to CEQA promote statewide GHG, air quality, and transportation goals. (CEQA Guidelines section 15064.3, subdivision (a).)

To evaluate the transportation impacts associated with the West Oaks residential development project under the CEQA, a VMT analysis was prepared for the project. At the time, the election to utilize VMT was optional under CEQA and City Guidelines—it is now required.

On June 16, 2020, the City adopted city-wide thresholds of significance and screening criteria for VMT analysis in CEQA documents. City staff has reviewed the VMT analysis presented in the Draft MND and has determined it is consistent with subsequently adopted City requirements.

A Local Mobility Analysis (LMA) was also prepared for the project to evaluate conformance with city plans and policies relating to transportation facilities. The LMA discussed LOS and other city transportation requirements and was not provided for the purpose of analyzing the project's transportation impacts for purposes of the project's CEQA analysis.

The City received several comments on the Draft MND for the West Oaks Project addressed to the LMA or to other issues that City staff has determined do not raise an environmental issue under CEQA in this regulatory context. For informational



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purposes, the following responses to these comments are provided. These responses are coded to correspond to the alphanumeric label for the comment contained in the Final MND for the project, which is incorporated by reference herein.

Comment Letter E, Diane Nygaard

Comment E-6

This comment pertains to GMP facility performance standards and the identified deficiency on College Boulevard by the city. The GMP performance requirement is satisfied in accordance with Carlsbad Municipal Code Section 21.90.080, where an arrangement is made, satisfactory to the city council, to guarantee the facilities and improvements. On December 17, 2019, a specific capital improvement project was identified by staff, presented to, and accepted by City Council that would address the transportation facility deficiency within the project's local facilities management zone, Zone 5. It is anticipated that approval of plans and authorization to bid the capital improvement project will be approved by the City Council mid-2021 and award construction contract by late 2021. With respect to project TDM strategies, refer to response to comment E-7 below.

Comment E-7

This comment states that requiring a future TDM plan does not demonstrate that the plan provides mitigation for the potential impacts and that the plan should be included with the MND. To clarify, TDM measures utilized for VMT reduction are quantified in West Oaks TDM Strategies for VMT Reduction Evaluation prepared by Fehr & Peers, which was made available with the Draft MND and is included in the administrative record.

In addition, the project will prepare the equivalent of a Tier 2 plan in the TDM Handbook as required by Mobility Element Policy 3-P.11. A Tier 2 plan requires participation in and promotion of the citywide TDM program, a selection of site-specific infrastructure and programmatic strategies, and agreement to adhere to monitoring and reporting requirements as described in the TDM Handbook. The TDM strategies included in this plan are not used as VMT reduction measures for the purposes of CEQA.

The TDM strategies included as part of the project that meet the City's Tier 2 TDM requirements are: (1) public bike parking in the form of bike racks; (2) bench, trash can addition or improvements to transit facilities; (3) on-site amenities in the form of a business center; and (4) bicycle and pedestrian connections in the form of sidewalk improvements. (West Oaks LMA, Section 7.6). Additionally, as part of the project, the developer will pay for the installation of one traffic signal controller.

Comment Letter F, Steve Linke

Comment F-2

This comment states that a Scoping Agreement should have been prepared as required in the City's current Transportation Impact Analysis (TIA) Guidelines. Scoping Agreements, as described in the City's TIA Guidelines, are a checklist of items to be addressed in the transportation impact analysis. The scoping agreement can be memorialized in many ways including an email, a letter, or in a form such as the one included in the TIA Guidelines.

LLG submitted the initial project TIA (now referred to as the LMA) to the City in March 2017, at which time approval of a scoping agreement was not required. LLG subsequently resubmitted revised versions of the LMA to the City on at least two occasions prior to the City's implementation of the current TIA guidelines in April 2018. As such, preparation of the project LMA and related analysis were well underway prior to the City's implementation of the new guidelines.

As such, the project LMA was initiated well before the City's new guidelines went into effect and, in any event, as a practical matter LLG, Fehr & Peers, and the City closely coordinated as to the proper scope of work consistent with the new guidelines. Further, the comment does not identify any deficiencies with the parameters, assumptions, or analysis methodologies presented in the TIA, but focuses exclusively on the form of the scoping between the City and LLG and Fehr & Peers.

Comment F-3

This comment states that the requirement in the City's TIA Guidelines for a formal Scoping Agreement has been ignored. Please see Response to Comment F-2.

Comment F-4

This comment states that the traffic data used are considered "stale" per the City's TIA Guidelines. As described in Section 3.2 of the project's LMA, the baseline traffic counts were conducted in November 2016 when area schools were in full session. Where new development occurred in Carlsbad, those traffic volumes are captured in the cumulative project traffic volume forecasts. Traffic from 13 near-term cumulative projects was included in addition to the existing volumes to account for new development within the area. Refer to Section 5.0 of the project's LMA for additional details regarding cumulative conditions.

There is no indication that baseline traffic volumes would be higher if current counts were conducted. In fact, it is more likely that traffic counts would be considered artificially reduced due to higher percentage of students and workers remaining at home as compared to when the counts were conducted in 2016, which will serve to reduce peak hour traffic. The percentage of people working remotely is expected to be higher

in the future as compared to when the counts were conducted in 2016, which will serve to reduce peak hour traffic. For these reasons, the 2016 traffic counts are expected to be higher (and therefore conservative) as compared to updated baseline traffic counts.

Comment F-5

This comment restates prior comments addressed above. Refer to Comments F-2 through F-4.

Comment F-9

The comment observes that, as stated in the LMA, as a residential development the project is not subject to the City's TDM Ordinance. However, again as noted by the commenter and stated in the LMA, the project is required to apply TDM measures pursuant to Mobility Element Policy 3-P.11. As such, the project will prepare and implement the equivalent of a site-specific Tier 2 TDM plan.

Comment F-10

This comment states that the project is required to implement a Tier 3 TDM plan, as opposed to the Tier 2 TDM plan. Refer to response to comment E-7 above. Further, note that the City's TDM Ordinance requirements apply only to non-residential developments. To meet the requirements of Mobility Element Policy 3-P.11, the proposed residential project will prepare the equivalent of a Tier 2 TDM Plan in the TDM Handbook. A Tier 2 plan requires participation in and promotion of the citywide TDM program, a selection of site-specific infrastructure and programmatic strategies, and agreement to adhere to monitoring and reporting requirements as described in the TDM Handbook.

The City's requirements state that only projects which generate greater than 275 ADT by employees are required to prepare a Tier 3 plan. (Carlsbad Municipal Code, § 18.51.60 ["Applicability" section of TDM Ordinance No. CS-350].) As the project would comprise residential land uses only, any employees onsite at any given time (such as landscapers or office personnel) would be incidental and would not generate more than 275 ADT. Accordingly, the project is not required to prepare a Tier 3 plan.

Comment F-11

This comment states that other forms of TDM measures should be included in the project's TDM plan and that such a plan should including a monitoring program. As discussed in responses to comments E-7 and F-10 above, the project will prepare the equivalent of a Tier 2 TDM Plan. The strategies included in the Tier 2 TDM plan satisfy the implementation of TDM strategies as required by Mobility Element Policy 3-P.11.

Monitoring and reporting will be completed according to the requirements of the City's TDM Handbook. Monitoring would start within 12 months of the proposed project reaching 75% occupancy or within 18 months of initial occupancy, whichever occurs

first. As part of the monitoring process, the Transportation Coordinator, a position that would be established as part of the TDM program, would collect bi-annual data and adjust the TDM strategies as necessary to respond to user demand. The Coordinator would submit a monitoring report to the City every two years to document implementation of the TDM program, including strategies to meet the Tier 2 TDM Plan requirements. As provided in the City's TDM Handbook, the City will provide a survey template and specific instructions to facilitate and standardize data collection and reporting. The TDM Plan is a living document that can be adjusted over time based on the results of monitoring and reporting to meet the City's goals.

Comment F-13

This comment states that it is unclear if the ramp on the southwest corner of the intersection of Palomar Airport Road and Palomar Oaks Way is compliant with the American with Disabilities Act (ADA). This comment also contains an image of decorative railing on the sidewalk, which is in the City right-of-way. There is a condition of approval that will require the project to improve the section of Palomar Oaks Way between Palomar Airport Road and West Oaks Way to meet ADA standards.

Comment F-14

This comment states that high-visibility crosswalks should be installed at the intersection of Palomar Airport Road and Palomar Oaks Way to aid in satisfaction of the TDM and VMT reduction requirements. The project would include multiple improvements to provide pedestrian features achieving LOS B per the City's multi-modal analysis—high visibility crosswalks are not required for the pedestrian or transit modes in the project's study area to meet level of service standards. Refer to Section 7.5.1 of the project's LMA for additional discussion.

Comment F-15

This comment states that points claimed for Transit LOS related to bus stop headways are not warranted. Transit LOS analysis has subsequently been revised to reflect the latest NCTD service schedules (October 4, 2020) and the points associated with headways of one hour or better have removed. In conjunction with the improvements proposed by the project, both bus stops within the transit study area are calculated to achieve acceptable LOS C and no further improvements are required.

Comment F-16

The comment states that it is unclear how nearby hotel and commercial uses within proximity of the bus stop are relevant to the project. In response, LLG discussed the issue further with City staff regarding the intended application of the "commercial services" criteria. Subsequently, the Transit LOS analysis was revised to remove the point associated with the "commercial services" criteria. In conjunction with the improvements proposed by the project, both bus stops within the transit study area are calculated to achieve acceptable LOS C and no further improvements are required.

Comment F-17

This comment states that the project should construct a sidewalk on the east side of Palomar Oaks Way for safety reasons due to its connection to the nearby bus stops on Palomar Airport Road. A sidewalk on the east side of Palomar Oaks Way is not an existing or proposed facility and therefore it was not required to be evaluated per the TIA Guidelines. The study area for transit level of service was determined in accordance with the City's TIA Guidelines.

The proposed project includes substantial improvements to the vicinity sidewalk system on the west side of Palomar Oaks Way to enhance pedestrian connectivity to transit and encourage alternative modes of transportation. The comment does not demonstrate how pedestrian safety would be enhanced by pedestrians crossing to the east side of Palomar Oaks Way south of Palomar Airport Road, where the existing traffic signal already provides a controlled pedestrian crossing. As such, provision of the requested sidewalk by the project is not warranted.

Comment F-19

This comment provides background information and expresses the opinion of the commenter regarding the nearby transit amenities. Initially, note the transit ridership is not a part of the City's methodology for evaluating transit level of service. Both the City and NCTD acknowledge that current transit ridership levels along Palomar Airport Road are relatively low. While improvements to the referenced bus stops will not in-and-of themselves increase transit ridership, they will contribute to an improved rider experience, and are therefore anticipated to ultimately lead to increased ridership.

Comments F-20 and F-21

This comment expresses the opinion of the commenter regarding the nearby transit amenities. This comment also contains street view images of the bus stops on Palomar Airport Road near its intersection with Palomar Oaks Way. The commenter's opinion is noted. With the improvements that will be provided by the project, the bus stops within the study area will meet the City's transit level of service standards. Transit-related improvements are not proposed as VMT reduction measures.

Comment F-33

The comment raises concerns about queuing around the roundabout and potential delay at the intersection of Palomar Airport Road and Palomar Oaks Way due to left turns.

A queueing analysis is not required by the City for turn movements on Palomar Oaks Way, as this street is not subject to vehicular level of service standards per the City Mobility Element. Queues on Palomar Oaks Way will not create a safety issue or impact the carrying capacity of Palomar Airport Road, an Arterial street which is subject to vehicular level of service standards. The signalized intersection analysis

provided in the LMA meets the requirements of the TIA Guidelines and did not identify project impacts to turn lanes in the project's study area.

cc: File